THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 23153 of 2005

28-10-2005

Between:

Cheruvu Ramulu S/o. Venkataswamy
R/o. Nandamaru, Unguturu Mandal, Krishna District, Andhra Pradesh.

..... PETITIONER

AND

1. The Irrigation and Command Area Department Rep. by its Executive Engineer,

Eastern Division, Krishna District, Vijayawada.
2 The Mandal Revenue Officer, Unguturu Mandal Unguturu
Krishna District, A.P.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 23153 of 2005

O R D E R:

Heard the learned counsel for the petitioner as well as the learned Government

Pleader appearing for the respondents.

The only grievance of the petitioner is that though he is an encroacher of the irrigation canal bund, he has been in occupation of the same by erecting a thatched house, but the respondents without giving any notice or without following due process of law, are trying to evict him from the premises in question.

Learned Government Pleader appearing for the respondents submitted that this matter is squarely covered by the Judgment of this Court in W.P.No. 12494 of 2004 dated 11-04-2005.

A perusal of the Judgment of this Court goes to show that a notice was issued to the petitioners therein directing them to remove the unauthorized constructions made in the property. But in the instant case no such notice has been issued.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondents not to evict the petitioner forcibly from the land in question, without issuing any notice to him. No costs.

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28-10-2005.

Mjl/*